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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,689	01/30/2001	Haruhisa Sakuma	122.1433	8149

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EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/771,689	Applicant(s) SAKUMA ET AL	
	Examiner Beemnet W. Dada	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The request filed 26 September 2005 for a request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application 09/771,689 is acceptable and an RCE has been established. Claims 1, 14 and 23 have been amended. Claims 1-30 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark US Patent 4,636,622 in view of Urano et al (hereinafter Urano) US Patent No. 6,202,158.

4. As per claims 1, 14 and 23, Clark teaches an electronic apparatus comprising;  
an identification system wherein user authentication is performed at a computer station based on stored credentials and if the authentication fails (i.e., condition of stored parameter for illegal use are established) a photographing device is activated and a photograph of the unauthorized user is taken and recorded (i.e., stored in a memory), and later the user will be identified based on at least the recorded photograph [column 2, lines 5-11, 47-61 and column 3, lines 18-31, 39-46]. Clark teaches a remote memory for storing image information, however Clark is silent on a memory attached to said apparatus. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention was made to modify Clark so that the memory would be attached to said apparatus, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In Re Japikse*, 86 USPQ 70. Clark is

silent on a first memory provided in said apparatus and a second memory attached to said apparatus. However, within the same field of endeavor Urano teaches an apparatus including a first memory, provided in said apparatus having stored therein a parameter for representing at least conditions of an illegal use of said apparatus (storing in a managing computer illegal access judgment standard) [column 3, lines 60-65, column 4, lines 1-12, lines 53-62 and column 6, lines 1-15], and a control unit which stores in a second memory illegal access information of the user and user system when said conditions represented by said parameter are established [column 4, lines 55-67 and column 6, lines 30-67]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Urano within the system of Clark because the modification simplifies detection of unauthorized user and further enhances security of the system.

5. As per claim 2 and 15, the combination of Urano and Clark teaches the apparatus as applied above. Furthermore, Urano teaches controlling output of illegal access information stored in the memory in accordance with an output direction [column 9, lines 57-67 and column 10, lines 1-5].

6. As per claims 3, 16 and 24, the combination of Urano and Clark teaches the apparatus as applied above. Furthermore, Urano teaches said control unit directs a set up program to read out said parameter in said first memory and to record illegal access information in said second memory [column 4, lines 55-67 and column 6, lines 30-67].

7. As per claims 4, 17 and 25, the combination of Urano and Clark teaches the apparatus as applied above. Furthermore, Urano teaches said control unit directs an application program

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running on said apparatus to set and alter said parameter in said first memory via an interface prepared on a program [column 5, lines 24-39].

8. As per claims 5, 18 and 26, the combination of Urano and Clark teaches the apparatus as applied above. Furthermore, Urano teaches said control unit directs the program to output illegal access information [column 9, lines 57-67 and column 10, lines 1-5].

9. As per claim 6, the combination of Urano and Clark teaches the apparatus as applied above. Furthermore, Urano teaches the apparatus wherein as said parameter recording timing representing conditions for obtaining image information is selected, set and stored in said first memory [column 7, lines 3-25 and lines 50-63].

10. As per claim 7, 19 and 27, the combination of Urano and Clark teaches the apparatus as applied above. Furthermore, Urano teaches the apparatus wherein illegal access information data management header, a recording time, a recording timing, a recording format and illegal access information data are recorded in said second memory [column 7, lines 3-25 and lines 50-63].

11. As per claims 8-10, 20 and 28, the combination of Urano and Clark teaches the apparatus as applied above. Furthermore, Urano teaches the apparatus wherein said recording timing of said illegal access information takes place when the power supply for said apparatus is turned on, program is activated, or operation is resumed (i.e., during log-in operations) [column 2, lines 27-32].

12. As per claim 11, the combination of Urano and Clark teaches the method as applied above. Furthermore, Urano teaches the apparatus wherein said recording timing of illegal access information takes place when an illegal password is entered in said apparatus [column 6, lines 1-15].

13. As per claims 12, 21 and 29, the combination of Urano and Clark teaches the apparatus as applied above. Furthermore, Urano teaches the apparatus wherein information acquiring format and writing mode are selected, set and stored in said first memory as said parameter [column 7, lines 28-43].

14. As per claims 13, 22 and 30 the combination of Urano and Clark teaches the method as applied above. Furthermore, Urano teaches the apparatus wherein the mode of writing illegal access information into second memory is overwriting or an appending mode [column 5, lines 50-61].

### ***Response to Arguments***

Applicant's arguments filed September 26, 2005 have been fully considered but they are not persuasive. Applicant argues that Clark does not have a memory attached to the apparatus to store the acquired image information of the user using the apparatus, and display of the apparatus to display the image information as recited in the claims. Examiner disagrees.

Examiner would point out that Clark teaches an apparatus including a method wherein a photographing device is activated and a photograph of the unauthorized user is taken and recorded (i.e., stored in a remote memory), and later the user will be identified based on at least the recorded photograph [column 2, lines 5-11, 47-61 and column 3, lines 18-31, 39-46]. Clark teaches a remote memory for storing image information. However, One having ordinary skill in

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the art at would have been able to modify Clark so that the memory would be attached to said apparatus, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In Re Japikse*, 86 USPQ 70. Examiner asserts that the combination of Clark and Urano teaches the apparatus as discussed above and therefore the rejection is respectfully maintained.

### ***Conclusion***

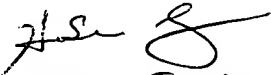
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

December 5, 2005

  
Primary Examiner  
Art Unit 2135